



WEB 2.0

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[illegible]

Definition(s)

- “interactive web based communications”
- “refers to a perceived second generation of web development and design, that facilitates communication, secure information sharing, interoperability, and collaboration on the World Wide Web.”
(Wikipedia)
- “a web toolbox”

Examples

- Blogs: journal/diary
- Wikis: collaborative authoring
- Video Sharing: YouTube, Hulu
- Photo Sharing: Flickr, Picasa
- Podcasting: iPod, MP3 players
- Virtual Worlds: Second Life, Neopets
- Social Networking: Facebook, MySpace

Context and Use

- Disseminate and collect information from internal & external users.
- Opportunity to collaborate electronically.
- Transparency in communications.
- Disseminating information to the public in a timely, equitable, efficient and appropriate manner.

Use Considerations

- Social Networking sites allow users to publish content, a.k.a. “User Generated Content” or UGC
 - Clearly state how web sites and content are monitored by the administrator.
 - State what users are allowed or not allowed to contribute.
 - Post disclaimers when monitoring is difficult.

Use Considerations

● Disparities of Access

- Alternative methods of distribution of information should be developed for those without internet access. (OMB Circular A-130)

● Rehabilitation Act Amendments/Sec. 508 29 U.S.C. 794d

- Information and electronic technology allows access and use of information and data for individuals with disabilities.

Information Dissemination

- Information Quality Act (P.L. 106-554)
 - Maximize quality, objectivity, utility and integrity of information and services provided.
- E-Government Act (P.L. 107-347)
(44 U.S.C. 101)
 - Information Dissemination Management System.
 - Develop priorities and schedules for making government information available/assessable.

Information Collection

- Government Paperwork Elimination Act (44 U.S.C. 3501)
 - Use of electronic forms and filing to conduct official business
- Paperwork Reduction Act
 - Collection of data from public
 - Surveys require OMB approval when given to 10 or more individuals.
 - Exceptions (5 CFR 1320.3):
 - Anonymous submission form where users can provide open ended comments or suggestions without government guidance.
 - Submission of facts provided that they entail no burden other than that necessary to identify the respondent, the date, the respondent's address, and the nature of the instrument.

Linking/Domain Use

● OMB Memo M-05-04

- Agency links to commercial organizations or interest groups present special challenges with respect to maintaining agency objectivity and thus must be used judiciously.
- Federal agency must use only .gov, .mil. or Fed.us domains unless the agency explicitly determines other domains are necessary for proper performance of an agency function. Proper performance may include external websites.

Intellectual Property

● Copyright

- The ease of copying and propagating data from many sources on the internet makes it very easy to unintentionally breach copyright.
- Government content on any site is generally public domain.
 - should not become intellectual property of an individual.
 - should not be protected by a site provider.

Intellectual Property

● Copyright (cont.)

- User generated data is of greatest concern.
 - prominently display notice that user should not upload infringing content.
 - use Pop-up box for user to confirm that they have the right to upload content.
- Service provider
 - take only a license to the content that is generated; do not take ownership of the content.
 - do not change content.
- Notice and Take-down policy
 - termination of repeat infringers.
 - must be reasonably implemented; consider fair use.
 - must take expeditious action and remove or disable access to infringing material.

Intellectual Property

● Trademarks

■ Occurrences

- Trademarks in blog names, in links, in subdirectory names.
- Real world trademarks in virtual worlds.
- Social networking members using trademarks or posing as characters.

■ Infringement

- Noncommercial use of a trademark is not infringement
- Fair use of trademark.

Terms of Use/Service

- “Click here if you Agree”
 - At the mercy of the web service.
 - Indemnification: Usually agree not to sue, nor allow service to be included in lawsuit and pay legal costs.
 - Choice of Law: Asserts certain state jurisdiction.
- GSA lead to accommodate all Federal Agencies.
 - Create “Content Licensing/Hosting Agreement” with every parent service, i.e., Google (YouTube), Yahoo (Flickr).
 - No indemnification; Liability tied to Federal Tort Claims Act.
 - Disclaimers, Limits on Liability and no obligation to expend appropriated funds.
 - Agreement enforced according to US Federal law without reference to conflict of laws. (State law only applicable if no applicable US Federal law).
 - Recognition that FOIA may require certain disclosure, but confidential information will not be disclosed insofar as lawfully permitted.

Terms of Service/Use (cont.)

● GSA Agreements

- Intellectual Property
 - Provider (US Agency) grants Service a non-exclusive license to host, cache, reformat, excerpt, analyze, and otherwise use content.
 - Representations and Warranties
 - Provider has all necessary rights to grant license or rights.
 - Provider does not own IP rights in any content and all Provider content is in the public domain.
- Grandfathering: Agreement supersedes all “click-through” agreements previously made for all user identified accounts that the Agency lists in connection with the Agreement.
- Advertisements: Actual content that is posted will not have advertisement imbedded into them by the service.
- Signature: One authorized representative for each Agency covering all user accounts for that Agency.

Helpful Links

- <http://www.whitehouse.gov/omb/infoereg/infopoltech.html#itpd>
- <http://www.usa.gov/webcontent/index.shtml>
- <http://www.nasa.gov/collaborate/index.html>
- <http://web.arc.nasa.gov/>

